

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 22386 of 1998

Between:

Vegesna Sivarama Raju, S/o. Ramakrishnam Raju,
Murali Nagar, Visakhapatnam. **PETITIONER**

AND

- 1.. The District Collector, Visakhapatnam.
- 2.. The Special Deputy Collector (L.A.) NTPC,
Visakhapatnam.
- 3.. Marisa Appal Naidu, S/o. Ramu Naidu,
R/o. Kalapaka Village, Parvada mandal,
Visakhapatnam District.
- 4.. Marisa Krishna Veni, W/o. Ramu Naidu,
R/o. Kalapaka Village, Parvada mandal,
Visakhapatnam District.
- 5.. Bonda Chinnathalli, W/o. Atchula Naidu,
R/o. Kalapaka Village, Parvada mandal,
Visakhapatnam District.
- 6.. Bonda Srinivasa Rao, S/o. Atchula Naidu,
R/o. Kalapaka Village, Parvada mandal,
Visakhapatnam District.
- 7.. Bonda Atchula Naidu, S/o. Narasimhulu alias Coffee,
R/o. Kalapaka Village, Parvada Mandal,
Visakhapatnam District.
- 8.. Bonda Appa Rao, S/o. Narasimhulu @ Coffee,
R/o. Kalapaka Village, Parvada Mandal,
Visakhapatnam District.
- 9.. Bonda Penta Rao, S/o. Narasimhulu @ Coffee,
R/o. Kalapaka Village, Parvada Mandal,

Visakhapatnam District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Appropriate Writ, order or direction more especially one in the Nature of Mandamus directing the respondents to deposit the amount of Compensation in to Civil Court and refer the matter under Sec. 30 & 31(2) of the Land Acquisition Act to the Civil Court in respect of lands of dry land in part of Survey Nos. 125/13, 14, 18, 19, 23 to 29, 31, 33 to 39, 127/8, 13, 14, 16, 20 to 24 of an extent of Ac. 1.69 cents, 0.38 cents in Survey No. 146/14; 0.33 cents in Survey No. 147/12; 0.23 cents in survey No. 147/2 of Swayambhuvaram Village, Paravada Mandal, Visakhapatnam district and pass

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for Respondent Nos 1 & 2: GP FOR LAND ACQUISITION

Counsel for Respondents 3 to 9 : Mr.K.V.Subrahmanya Narsu

The Court made the following :

ORDER:

In the present writ petition, the petitioner mainly seeks a direction to the respondents to refer the matter to the Civil Court under section 30 & 31 (2) of the Land Acquisition Act for determination of title in respect of lands covered under survey Nos.125/13, 14,18,19,23 to 29, 31,33 to 39, 127/8,13,14,16,20 to 24, 146/14, 147/12 of Swayambhuvaram village, Paravada Mandal, Visakapatnam district.

The facts in brief, which gave rise to filing the present writ petition are that the petitioner claims to have purchased the subject lands from respondents 3 to 9 for a

valuable consideration of Rs.1,57,800/- @ Rs.60,000/- per acre and entered into an agreement on 15-3-1997 and on the same day paid a sum of Rs.1,25,000/- and obtained the possession over the subject land. The petitioner alleges that he requested the unofficial respondents on several occasions to receive the balance sale consideration and to execute the sale deed in his favour, and that they postponed execution of sale deed on one pretext or the other. In the meanwhile, respondents are stated to have acquired the lands in and around the villages of Revada, Swayambhuvaram & Chipurupalli for the purpose of setting up a Simhadri Power project Plant, including the subject lands and alleges that the unofficial respondents herein suppressing the sale transaction entered with the petitioners are trying to take the entire compensation amount from the second respondent. The petitioners got issued a notice dated 1-5-1998 to official respondents 1 and 2 informing the sale transaction over the subject lands and requesting not to make payments with regard to subject lands to others and to refer the matter under section 30 and 31 (2) of the Land Acquisition Act for determining the title to receive the compensation. The grievance of the petitioner is that no action was taken on his legal notice and representations to refer the dispute of title over the subject lands for adjudication before the Civil Court.

A counter affidavit was filed on behalf of the respondents 1 and 2 denying the allegations made in the writ petition and stating that vide publicity was given in the area as regards acquisition of the lands for Simhadri Super Thermal Power Plant and a draft notification under section 4 (1) of the Land Acquisition Act (for short the Act) was published in the regional newspapers on 10-7-1997 and substance of the notification was also published in the locality on 12-7-1998 and draft declaration under section 6 of the Act was also published in newspapers on 19-7-1997 and the substance of the same was published in the locality on 27-7-1998. That, after following the due procedure contemplated under the Act, award enquiry was conducted and consent awards were passed on 10-8-1998 and payment of compensation to the land oustees started from 14-8-1998 and compensation was paid to respective land oustees, except respondents 3,4,5 and 7 herein. It is further stated that pursuant to receipt of order copy from this Court in W.P. 22386 of 1998 the payment of compensation was stopped in respect of respondents 3,4,5 and 7 and kept the demand drafts in safe custody. It was also stated that no notice was received from the petitioner for referring the matter to Civil Court and since the award

enquiry proved the title and enjoyment in favour of awardees, the compensation has been proposed to be paid. It is specifically stated that even after filing the present writ petition, the petitioner has not filed any objections before the Land Acquisition Officer or an application requesting to refer the matter to the Civil Court for determining the title.

Heard the learned counsel for petitioner, learned Government Pleader for Land Acquisition and Mr.K.V.Subrahmanya Narsu for respondents 3 to 9.

Learned Government Pleader for Land Acquisition and learned counsel for respondents 3 to 9 expressed no objection to refer the matter to the Civil Court for adjudication of the title dispute.

In view of the agreed stand taken by the counsel appearing for respective parties to refer the matter to the Competent Civil Court,

I deem it appropriate to direct the respondents 1 and 2 to refer the matter to the competent Civil Court under Section 30 and 31 (2) of the Act for adjudication of title as expeditiously as possible.

Subject to above, the writ petition is disposed of. No costs.

N.V.RAMANA,J

01-03-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1.. The District Collector, Visakhapatnam.
- 2.. THe Special Deputy Collector (L.A.) NTPC,
Visakhapatnam.
3. **2 CD copies**
4. 1 CC to MR.SUBRAMANYA NARASU
5. 2 C.C. s to G.P. for Land Acquisition, High Court Buildings,
Hyderabad (OUT)

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